

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN A. SPOONER, et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

CIVIL ACTION FILE  
NO. 1:16-CV-3754-TWT

**ORDER**

This is a declaratory judgment action. It is before the Court on the Report and Recommendation [Doc. 16] of the Magistrate Judge recommending granting the Defendants' Motions to Dismiss [Doc. 2 & 5]. This is the fifth lawsuit that has been filed by the Plaintiffs regarding the foreclosure of their property. The action is barred by res judicata for the reasons set forth in the thorough and well-reasoned Report and Recommendation. The Plaintiffs' Objections do not address the substance of the grounds for dismissing the action. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Plaintiffs' Motion to Remand [Doc. 4] is DENIED. The Court clearly had subject matter jurisdiction at the time that the Complaint was removed. The Plaintiffs' Motion for a Temporary Restraining Order [Doc. 4] is DENIED for the reasons set forth in the Report and

Recommendation. The Plaintiffs' Motion for Reconsideration [Doc. 19] is without merit and is DENIED. SO ORDERED, this 25 day of September, 2017.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge